

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>WILLIAM CUMMINGS,</b>	:	<b>CIVIL NO. 1:22-CV-1118</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Mannion)</b>
	:	
<b>v.</b>	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>WELLER, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**MEMORANDUM AND ORDER**

The background of this order is as follows:

This case was removed to federal court on July 18, 2022. (Doc. 1). The plaintiff, a state inmate who is proceeding *pro se*, subsequently has filed numerous documents in this case which purport to amend or supplement his complaint in a random, fragmentary and incomplete fashion. (Docs. 24, 27, 29, 33). We have repeatedly instructed Cummings that any motion to amend must comply with Local Rule 15.1 which provides as follows:

**LR 15.1 Amended Pleadings.**

**(a) Proposed amendment to accompany the motion.**

When a party files a motion requesting leave to file an amended pleading, the proposed amended pleading must be retyped or reprinted so that it will be complete in itself including exhibits and shall be filed on paper as a separate document or, in the Electronic Filing System, as an attachment to

the motion. If the motion is granted, the clerk shall forthwith file the amended pleading. Unless otherwise ordered, an amended pleading that does not add a new defendant shall be deemed to have been served for the purpose of determining the time for response under Fed. R. Civ. P. 15(a), on the date the court grants leave for its filing. A party granted leave to amend its pleading, when the amended pleading would add a new defendant, shall file and effect service of the amended pleading within thirty (30) days after the date of the Order granting leave for its filing.

**(b) Highlighting of amendments.**

The party filing the motion requesting leave to file an amended pleading shall provide: (1) the proposed amended pleading as set forth in subsection (a) of this rule, and (2) a copy of the original pleading in which stricken material has been lined through and any new material has been inserted and underlined or set forth in bold-faced type.

Local Rule 15.1.

None of Cummings' proffered amended or supplemental complaint meet the requirements of Rule 15.1. Because the proliferation of these filings violates our prior orders and impedes the orderly evaluation of the plaintiff's claims IT IS ORDERED that the plaintiff's motions to file various separate supplemental and amended complaints, (Docs. 24, 27, 29, 33), are DENIED without prejudice.

IT IS FURTHER ORDERED that the plaintiff submit a single, comprehensive and coherent amended complaint on or before **May 31, 2022.**

In the meanwhile, even though there is no coherent operative pleading filed by the plaintiff in this case, Cummings has filed documents styled as motions for

preliminary injunction. (Docs. 32, 44). The defendants, in turn, have filed motions to stay discovery, (Doc. 41), and defer the filing of responses to these motions for preliminary injunction until such time, if any, when Cummings files a single coherent and comprehensive complaint which can serve as the operative pleading in this case.(Docs. 40, 47).

We agree that an intelligible amended complaint is a prerequisite to further litigation of this case. Therefore, IT IS FURTHER ORDERED as follows:

Consideration of Cummings' motions for injunctive relief (Docs. 32, 44) is STAYED pending the filing of a single comprehensive amended complaint in this case.

The defendants' motions stay discovery, (Doc. 41), and defer the filing of responses to these motions for preliminary injunction until such time, if any, when Cummings files a single coherent and comprehensive complaint which can serve as the operative pleading in this case,(Docs. 40, 47), are GRANTED. The defendants shall respond to the injunction motions 21 days after the Court has accepted an amended operative pleading from Cummings.

SO ORDERED, this 28<sup>th</sup> day of April 2023.

/s/ Martin C. Carlson  
Martin C. Carlson  
United States Magistrate Judge